

MONDAY, JUNE 11, 2001
FORTY-EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Shepard.

Representative Shepard led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Stanley; personal reasons.

Representative Todd; illness.

REPORT OF CHIEF ENGROSSING CLERK
June 8, 2001

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 143, 524, 615, 888, 1055, 1126, 1527, 1987, 2022; also, House Joint Resolution(s) No(s). 34, 228, 522, 523, 524 and 526.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 229; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Joint Resolution No. 229** -- General Assembly, Studies - Creates special joint committee to study establishment of Birth-Related Neurological Injury Fund. by *Person.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 14, 2001:

House Resolution No. 149 -- Memorials, Recognition - Clarkrange High School Chess Team. by *Windle.

House Resolution No. 150 -- Memorials, Death - James Neal Markwood. by *Windle.

House Resolution No. 151 -- Memorials, Death - Hart Hastings. by *Phillips.

House Resolution No. 152 -- Memorials, Recognition - Annual Men's Day Celebration. by *Pruitt.

House Joint Resolution No. 550 -- Memorials, Personal Achievement - Mary Gillum, NAPIL Fellowship for Equal Justice Award Recipient. by *Goins.

House Joint Resolution No. 553 -- Memorials, Retirement - Mary Burchard. by *Maddox, *Pinion, *Ridgeway.

House Joint Resolution No. 554 -- Memorials, Recognition - St. Luke African Methodist Episcopal Church. by *McDonald, *Bone, *West, *Williams (Williamson), *Newton.

House Joint Resolution No. 555 -- Memorials, Sports - Beech High School Softball Team, 2001 TSSAA Class AAA State Champions. by *McDonald, *Black, *Williams (Williamson), *Newton.

House Joint Resolution No. 556 -- Memorials, Sports - Kristin Furman, Belmont University Athletic Scholarship Recipient. by *Hargett.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 358** -- General Assembly, Studies - Creates special joint committee to study issues pertaining to implementation of lottery. by *Cohen.

House State and Local Government Committee

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 2029, was/were referred to the Delayed Bills Committee.

***House Bill No. 2029** -- Driver Licenses - Removes provision allowing person without social security number to obtain license. Amends TCA Section 55-50-321. by *Rowland, *Beavers, *Black, *Pleasant, *Stanley, *Hargett, *Goins, *Todd, *Baird, *Godsey, *Mumpower.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 413** -- Unemployment Compensation - Revises weekly benefit amount paid as unemployment compensation. Amends TCA Section 50-7-301. by *Jackson, *Dixon, *Cooper J, *Trail, *Rochelle, *Kyle, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Crowe, *Crutchfield, *Davis L, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Wilder, *Williams. (HB745 by *West, *Jones, S., *Pinion)

***Senate Bill No. 796** -- Criminal Procedure - Enacts "Post-Conviction DNA Analysis Act of 2001." Amends TCA Title 40, Chapter 26 and Title 40, Chapter 30. by *Cohen. (HB770 by *Briley)

Senate Bill No. 1012 -- Business Organizations - Permits one partner to represent partnership in general sessions court when other partners assent to such representation; gives same permission to officer or director of limited liability corporation when all officers or directors assent; limits to organizations with 20 or less employees. Amends TCA Title 16; Title 23, Chapter 1, Part 1; Title 48 and Title 61, Chapter 2. by *McNally, *McNally. (*HB708 by *Overbey, *Black, *Caldwell)

***Senate Bill No. 1728** -- Firearms and Ammunition - Requires TBI to deny attempted purchase of firearm if purchaser is charged with offense that, if convicted, would prohibit person from purchasing firearm and provides procedure whereby TBI is required to reverse such denial. Amends TCA Title 39, Chapter 17, Part 13. by *Crowe. (HB1749 by *Turner (Hamilton))

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***Senate Bill No. 1812** -- Pensions and Retirement Benefits - Allows member of general assembly to continue employment in another position covered by TCRS, draw retirement benefits based on general assembly service while employed in other position, and then draw recomputed retirement benefits based on both positions. Amends TCA Section 8-36-808. by *Atchley. (HB1714 by *Rhinehart)

Senate Bill No. 1983 -- Telecommunications - Redefines "telephone solicitation"; specifies that telephone requests for charitable contributions must be made by bona fide member, volunteer, or direct employee of non-profit organization. Amends TCA Section 65-4-401. by *Cohen, *Burchett. (*HB2018 by *Kisber)

Senate Bill No. 1984 -- Milan - Pursuant to local request, authorizes bond issue for construction in Milan Special School District and funding for bond issue. Amends TCA Chapter 504 of the Private Acts of 1945. by *Carter. (*HB2021 by *Phelan, *Pinion)

Senate Bill No. 1990 -- Giles County - Subject to local approval, establishes Southern Water Authority. by *Cooper J. (HB2026 by *Fowlkes)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 2018** -- Telecommunications -- previously referred to the House Finance, Ways and Means Committee

***House Bill No. 2027** -- Motor Vehicles, Titling and Registration -- previously referred to the House Finance, Ways and Means Committee

CONSENT CALENDAR

House Resolution No. 148 -- Memorials, Professional Achievement - Pat Estes, 2001 Tree Farm of the Year. by *Tidwell.

House Joint Resolution No. 547 -- Memorials, Retirement - Jennifer Helton Hann, Senior Legislative Attorney, Office of Legal Services. by *Chumney, *DeBerry J, *Maddox, *Fitzhugh, *White, *Patton, *Bowers, *Brown, *Scroggs, *Rowland, *Black, *Williams (Williamson), *Fowlkes.

House Joint Resolution No. 548 -- Memorials, Academic Achievement - Matt Marston, Salutatorian, Cordova High School. by *Stanley.

House Joint Resolution No. 549 -- Memorials, Personal Occasion - Joseph and Patricia Orsak, 50th wedding anniversary. by *Hargett, *Pleasant.

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Senate Joint Resolution No. 386 -- Memorials, Interns - Legislative Intern Class of 2001. by *Burks, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J., *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J., *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 387 -- Memorials, Interns - Kimberly Lee Young. by *Burks, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J., *Crowe, *Crutchfield, *Davis L., *Dixon, *Elsea, *Ford J., *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J., *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 388 -- Memorials, Recognition - Jonathan P. Goodwin. by *Burks.

Senate Joint Resolution No. 400 -- Memorials, Heroism - Petty Officer James L. Furrage. by *Crowe.

Senate Joint Resolution No. 401 -- Memorials, Heroism - Petty Officer Kenneth M. King. by *Crowe.

Senate Joint Resolution No. 402 -- Memorials, Retirement - Roy and Shirley Hornsby and George Crews, Hicks Composition Service. by *Kyle.

Senate Joint Resolution No. 403 -- Memorials, Academic Achievement - Cameron Leigh Armstrong, Valedictorian, Dyersburg High School. by *Herron.

Senate Joint Resolution No. 404 -- Memorials, Academic Achievement - Jae Lindsay Dedmon, Salutatorian, Camden Central High School. by *Herron.

Senate Joint Resolution No. 405 -- Memorials, Academic Achievement - Jay Tucker, Valedictorian, Dyersburg High School. by *Herron.

Senate Joint Resolution No. 406 -- Memorials, Academic Achievement - Benjamin Milton West, Valedictorian, Union City High School. by *Herron.

Senate Joint Resolution No. 407 -- Memorials, Academic Achievement - Stephanie Gardner, Salutatorian, Dresden High School. by *Herron.

Senate Joint Resolution No. 408 -- Memorials, Academic Achievement - Steven Randall Robertson, Valedictorian, Camden Central High School. by *Herron.

Senate Joint Resolution No. 409 -- Memorials, Academic Achievement - Heather Lea Holder, Salutatorian, Westview High School. by *Herron.

Senate Joint Resolution No. 410 -- Memorials, Academic Achievement - Jeremy Allen, Valedictorian, Big Sandy High School. by *Herron.

Senate Joint Resolution No. 411 -- Memorials, Academic Achievement - Sarah Catherine Anthony, Valedictorian, Westview High School. by *Herron.

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Senate Joint Resolution No. 412 -- Memorials, Academic Achievement - David McKinley Brock, Salutatorian, Union City High School. by *Herron.

Senate Joint Resolution No. 413 -- Memorials, Academic Achievement - Wes Todd, Salutatorian, Lake County High School. by *Herron, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 414 -- Memorials, Academic Achievement - Katie Troutman, Valedictorian, Lake County High School. by *Herron.

Senate Joint Resolution No. 416 -- Memorials, Death - Riley Bill Cobb. by *Crowe.

Senate Joint Resolution No. 417 -- Memorials, Congratulations - Eakin Elementary School, honorable mention in National Trust for Historic Preservation's nationwide poster contest. by *Harper, *Henry, *Haynes.

Senate Joint Resolution No. 418 -- Memorials, Recognition - Country Music Hall of Fame. by *Harper, *Henry, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 421 -- Memorials, Personal Occasion - Roy and Joan Ferguson, 50th wedding anniversary. by *Trail.

Senate Joint Resolution No. 428 -- Memorials, Death - Rebecca McElroy Finn. by *Crutchfield, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jackson, *Kurita, *Kyle, *McNally, *Miller J, *Norris, *Person, *Ramsey, *Rochelle, *Trail, *Wilder, *Williams.

Senate Joint Resolution No. 427 -- Memorials, Sports - Tim Irwin, Knoxville Sports Hall of Fame. by *Burchett, *Atchley.

***House Bill No. 2021** -- Milan - Pursuant to local request, authorizes bond issue for construction in Milan Special School District and funding for bond issue. Amends TCA Chapter 504 of the Private Acts of 1945. by *Phelan, *Pinion. (SB1984 by *Carter)

On motion, House Bill No. 2021 was made to conform with **Senate Bill No. 1984**; the Senate Bill was substituted for the House Bill.

Rep. Williams moved that all members voting aye on Senate Joint Resolution(s) No(s). 386 and 418 be added as sponsors, which motion prevailed.

Rep. Buttry moved that all members of the Knox County Delegation, Rep. Montgomery and Speaker Naifeh be added as sponsors to Senate Joint Resolution No. 427, which motion prevailed.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 884 -- Alcoholic Offenses - Effective September 30, 2003, decreases from .10 percent to .08 percent blood alcohol content required to commit offense of DUI only if enactment of .08 percent DUI law is still federally required; repeals offense of adult DWI, but permits use of prior convictions for certain purposes; requires drug and alcohol assessment and treatment and use of ignition interlock device if person is convicted of second offense DUI and first conviction occurred within previous five years. Amends TCA Title 40, Chapter 33, Part 2 and Title 55, Chapter 10, Part 4. by *Head, *Newton, *Langster, *Kent, *Cole (Carter), *Patton, *Ford S. (*SB1471 by *Haun)

Further consideration of House Bill No. 884 previously considered on June 4, 2001, at which time the House was on the motion to adopt Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. Head moved that House Bill No. 884 be reset for the Regular Calendar on July 12, 2001, which motion prevailed.

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House Bill No. 1184 -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by *Sands, *Buck, *McMillan, *Briley, *Newton, *Boyer, *Scroggs, *Jones, S., *Towns, *Cooper B. (*SB1347 by *Haynes)

Further consideration of House Bill No. 1184 previously considered on June 4, 2001 and June 7, 2001, at which time it was reset for today's Calendar. The bill was also considered on May 31, 2001, at which time Amendment(s) No(s). 1 was placed at the heel of the Amendments, and the House adopted Amendment(s) No(s). 2 and 3.

Rep. Sands requested that House Bill No. 1184 be moved to the heel of the Calendar.

SPECIAL ORDER

Without objection, House Bill(s) No(s). 1555 and 1548 were moved to the heel of the Calendar and placed behind House Bill No. 1184.

REGULAR CALENDAR, CONTINUED

House Bill No. 1749 -- Firearms and Ammunition - Requires TBI to deny attempted purchase of firearm if purchaser is charged with offense that, if convicted, would prohibit person from purchasing firearm and provides procedure whereby TBI is required to reverse such denial. Amends TCA Title 39, Chapter 17, Part 13. by *Turner (Hamilton). (*SB1728 by *Crowe)

Further consideration of House Bill No. 1749 previously considered on May 16, 2001, May 21, 2001, May 29, 2001, May 31, 2001 and June 7, 2001. The bill was also considered on June 4, 2001, at which time the House withdrew Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s). 2 when the bill was reset for today's Calendar.

On motion, House Bill No. 1749 was made to conform with **Senate Bill No. 1728**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Hamilton) moved that Senate Bill No. 1728 be passed on third and final consideration.

Rep. Turner (Hamilton) moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kent moved the previous question, which motion prevailed.

Rep. Turner (Hamilton) moved that **Senate Bill No. 1728** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	12
Present and not voting	6

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Representatives voting aye were: Armstrong, Arriola, Baird, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Godsey, Harwell, Hood, Jones S, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Shaw, Shepard, Tindell, Turner (Hamilton), Turner (Davidson), Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Beavers, Bittle, Clem, Goins, Hagood, Hargett, Johnson, McCord, Rowland, Tidwell, Towns, Vincent -- 12.

Representatives present and not voting were: Davis (Washington), Ford, Hargrove, Pleasant, Sharp, Turner (Shelby) -- 6.

A motion to reconsider was tabled.

House Bill No. 1184 -- Tort Liability - Increases minimum insurance requirements for governmental tort liability purposes. Amends TCA Section 29-20-403. by *Sands, *Buck, *McMillan, *Briley, *Newton, *Boyer, *Scroggs, *Jones, S., *Towns, *Cooper B. (*SB1347 by *Haynes)

Further consideration of House Bill No. 1184 previously considered on today's Calendar.

Rep. Sands moved that House Bill No. 1184 be passed on third and final consideration.

Rep. Sands moved to take up Amendment No. 5 out of order, which motion prevailed.

Rep. Sands moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND House Bill No. 1184 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-20-403, is amended by deleting the final sentence of subsection (b)(2)(A) and substituting instead the following:

The provisions of this subdivision shall apply to any action arising on or after July 1, 1987 but before July 1, 2002; and

SECTION 2. Tennessee Code Annotated, Section 29-20-403, is further amended by adding the following new subparts (b)(3) and (b)(4):

(3) Minimum limits of not less than two hundred fifty thousand dollars (\$250,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than six hundred thousand dollars (\$600,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and eighty-five thousand dollars (\$85,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subpart shall apply to any action arising on or after July 1, 2002 but before July 1, 2007.

(4) Minimum limits of not less than three hundred thousand dollars (\$300,000) for bodily injury or death of any one (1) person in any one (1) accident, occurrence or act, and not less than seven hundred thousand dollars (\$700,000) for bodily injury or death of all persons in any one (1) accident, occurrence or act, and one hundred thousand dollars (\$100,000) for injury or destruction of property of others in any one (1) accident, occurrence or act. The provisions of this subpart shall apply to any action arising on or after July 1, 2007.

SECTION 3. (a) There is created a commission to design, develop and propose legislation to the general assembly to enact and implement a Catastrophic Injuries Fund for the purpose of compensating certain specified persons in an amount in excess of the governmental tort liability limits for injuries or death caused by the actions of an employee of a governmental entity and to study other issues relating to governmental tort liability. Such Commission shall consist of the following members:

(1) Four (4) members to be appointed jointly by the speaker of the senate and speaker of the house of representatives from a list of eight (8) persons to be submitted jointly by the Tennessee municipal league, the Tennessee county services association, the Tennessee school board association, county owned hospitals, self-insured municipalities, Tennessee public utilities and the Tennessee municipal league risk management pool by January 1, 2002;

(2) Four (4) members to be appointed jointly by the speaker of the senate and speaker of the house of representatives from a list of eight (8) persons submitted by the Tennessee trial lawyers association by January 1, 2002;

(3) The comptroller of the treasury or the comptroller's designee;

(4) The state treasurer or the treasurer's designee;

(5) The secretary of state or the secretary's designee; and

(6) The chair of the senate and house of representatives state and local government committees, judiciary committees and finance ways and means committees, or such chair's designees, who shall be ex officio non-voting members of the commission.

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(b) If the speakers are unable to appoint four (4) members from the list of eight (8) submitted pursuant to subsection (a)(1) or (a)(2), the speakers shall notify the association or entities submitting the initial list and they shall have no more than forty-five (45) days to submit a new list of eight (8) persons. The speakers may request no more than two (2) such additional lists in making the respective four (4) member appointments.

(c) If for any reason a vacancy occurs in the commission membership appointed pursuant to subsection (a)(1) or (a)(2), the association or entities making the original appointment shall have no more than thirty (30) days to submit to the speakers a list of two (2) persons to fill each such vacancy. The speakers shall jointly appoint a member to fill the vacancy in the same manner as the initial appointment.

(d) The commission shall first convene at the call of the state treasurer who shall serve as chair and shall coordinate the work of the commission.

(e) The Catastrophic Injuries Fund Commission shall design, develop and propose legislation to the general assembly to enact and implement the catastrophic injuries fund by July 1, 2006. The Commission may report on and propose legislation, if necessary, on other issues related to governmental tort liability at any time but no later than July 1, 2006.

SECTION 5. For the purposes of submitting lists of proposed members and appointing the members of the Catastrophic Injuries Fund Commission, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect on July 1, 2001, the public welfare requiring it.

Rep. Boyer moved the previous question on Amendment No. 5, which motion prevailed.

On motion, Amendment No. 5 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 1184 by adding the following new sentence to the end of the effective date section:

Notwithstanding the provisions of this section, the provisions of this act shall not take effect unless House Bill 1555/Senate Bill 1013 relative to the definition of a health care practitioner for purposes of the governmental tort liability act is also enacted and becomes effective.

On motion, Amendment No. 4 was adopted.

Rep. Buck moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND House Bill No. 1184 by adding the following as a new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

SECTION _____. The state share of the cost pursuant to Article II, Section 24 of the Constitution of Tennessee for any increased expenditure required by a county by the provisions of this act shall be provided from the unallocated tax revenue of state-shared taxes enumerated in Tennessee Code Annotated, Section 9-6-301.

On motion, Amendment No. 6 was adopted.

Rep. Head moved to re-refer House Bill No. 1184 to the House Finance, Ways and Means Committee.

Rep. Rhinehart moved the previous question on the motion to re-refer House Bill No. 1184 to the House Finance, Ways and Means Committee, which motion failed by the following vote:

Ayes	21
Noes	66

Representatives voting aye were: Armstrong, Baird, Bowers, Boyer, Buttry, Clem, Davidson, Davis (Washington), DeBerry L, Ford, Hargett, Head, Kisber, McDaniel, McDonald, Montgomery, Patton, Shaw, Turner (Shelby), Vincent, Walker -- 21.

Representatives voting no were: Arriola, Beavers, Bittle, Black, Bone, Briley, Brooks, Brown, Buck, Bunch, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Dunn, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Goins, Harwell, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Lewis, Maddox, McCord, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shepard, Tidwell, Towns, Turner (Hamilton), Turner (Davidson), West, Westmoreland, White, Williams, Windle, Winningham, Wood -- 66.

Rep. Rinks moved that the motion to re-refer House Bill No. 1184 to the House Finance, Ways and Means Committee be tabled, which motion prevailed.

After further debate, Rep. Rhinehart moved that the House take up the remaining Amendments to House Bill No. 1184, which motion prevailed.

Rep. Buck moved adoption of Amendment No. 7 as follows:

Amendment No. 7

AMEND House Bill No. 1184 by deleting subsection (a)(6) of the amendatory language of Section 3

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Rep. Buck moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Sands moved that **House Bill No. 1184**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Sharp -- 1.

A motion to reconsider was tabled.

House Bill No. 1555 -- Tort Liability - Defines health care practitioner for purposes of governmental tort liability actions to mean licensed physicians and nurses. Amends TCA Title 29, Chapter 20, by *Jones U (Shelby), *Miller L, *Turner (Davidson), *McDaniel, *DeBerry J, *Kent, *Todd, *Pleasant, *McMillan, *Buck, *Sands, *Briley, *Newton, *Boyer, *Scroggs, *Armstrong. (*SB1013 by *Ramsey, *McNally)

Further consideration of House Bill No. 1555 previously considered on June 4, 2001 and June 7, 2001, at which time it was reset for today's Calendar.

On motion, House Bill No. 1555 was made to conform with **Senate Bill No. 1013**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 1013 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1013 by adding the following new sentence to the end of the effective date section:

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Notwithstanding the provisions of this section, the provisions of this act shall not take effect unless House Bill 1184/Senate Bill 1347 relative to the governmental tort liability limits is also enacted and becomes effective.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. U. Jones moved that **Senate Bill No. 1013**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 1548** -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by *Buck, *Jones U (Shelby), *DeBerry J, *Miller L, *Pleasant, *Kent, *Cole (Carter). (SB1801 by *Dixon)

Further consideration of House Bill No. 1548 previously considered on May 17, 2001, May 24, 2001, May 29, 2001, June 4, 2001 and June 7, 2001, at which time it was reset for today's Calendar.

Rep. Buck moved that House Bill No. 1548 be passed on third and final consideration.

Rep. Buck requested that Judiciary Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1548 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 45-6-209, is amended by deleting the word "and" at the end of subsection (b)(5); by deleting the period at the end of subsection (b)(6) and substituting instead a semi-colon and the word "and"; and by adding the following language as a new subdivision to be designated as follows:

(7) The right thumbprint of the pledgor, provided that if taking the right thumbprint is not possible the pawnbroker shall take a fingerprint from the left thumb or another finger and shall identify on the pawn ticket which finger has been used. A thumb or fingerprint taken pursuant to this subpart shall be maintained by the pawnbroker for a period of five (5) years from the date of the pawn transaction.

SECTION 2. Tennessee Code Annotated, Section 45-6-209, is further amended by adding the following new subsections:

(g) (1) The following procedure shall be employed when a law enforcement officer, as defined in §39-11-106, seeks to obtain a subpoena for the production of a thumbprint taken and maintained pursuant to subsection (b)(7) for the purpose of establishing, investigating or gathering evidence for the prosecution of a criminal offense.

(2) If the officer has reason to believe that a criminal offense has been committed or is being committed and that requiring the production of a thumbprint in the possession of a pawnbroker is necessary to establish who committed or is committing the offense or to aid in the investigation and prosecution of the person or persons believed to have committed or believed to be committing the offense, the officer shall prepare an affidavit in accordance with subsection (g)(3).

(3) An affidavit in support of a request to compel the production of a thumbprint from a pawnbroker shall state with particularity the following:

(A) A statement that a specific criminal offense has been committed or is being committed and the nature of such offense;

(B) The articulable reasons why the law enforcement officer believes the production of the thumbprint requested will materially assist in the investigation of the specific offense committed or being committed;

(C) The name and address of the pawnbroker maintaining the thumbprint; and

(D) The nexus between the thumbprint requested and the criminal offense committed or being committed.

(4) (A) Upon preparing the affidavit, the law enforcement officer shall submit it to either a judge of a court of record or a general sessions judge who serves the officer's county or city of jurisdiction. The judge shall examine the affidavit and may examine the affiants under oath. The judge may grant the request for a subpoena to produce the thumbprint requested if the judge finds that the affiants have presented a reasonable basis for believing that:

(i) A specific criminal offense has been committed or is being committed;

(ii) Production of the requested thumbprint will materially assist law enforcement in the establishment or investigation of such offense;

(iii) There exists a clear and logical nexus between the thumbprint requested and the offense committed or being committed; and

(iv) The scope of the request is not unreasonably broad or the thumbprint unduly burdensome to produce.

(B) If the judge finds that all of the criteria set out in subdivision (4)(A) do not exist as to the thumbprint requested, the judge shall deny the request for subpoena.

(5) The affidavit filed in support of any request for the issuance of a subpoena pursuant to this subsection shall be filed with and maintained by the court. If a subpoena is issued as the result of such an affidavit, such affidavit shall be kept under seal by the judge until a copy is requested by the district attorney general, criminal charges are filed in the case, or the affidavit is ordered released by a court of record for good cause.

(6) A subpoena granted pursuant to this subsection by a judge of a court of record shall issue to any part of the state and shall command the pawnbroker to whom it is directed to produce any thumbprint that is specified in such subpoena to the law enforcement officer and at such reasonable time and place as is designated in the subpoena. A subpoena granted pursuant to this subsection by a judge of a court of general sessions shall in all respects be like a subpoena granted by the judge of a court of record but shall issue only within the county in which such sessions judge has jurisdiction. The court shall prepare or cause to be prepared the subpoena and it shall describe the specific thumbprint requested and set forth the date and manner it is to be delivered to the officer.

(7) If the subpoena is issued by a judge of a court of record, it may be served by the officer in any county of the state by personal service, certified mail, return receipt requested, or by any other means with the consent of the person named in the subpoena. If the subpoena is issued by a judge of a general sessions court it shall be served by an officer with jurisdiction in the county of the issuing judge but may be served by personal service, certified mail, return receipt requested, or by any other means with the consent of the person named in the subpoena. The officer shall maintain a copy of the subpoena and endorse thereon the date and manner of service as proof thereof.

(8) No pawnbroker shall be excused from complying with a subpoena for the production of a thumbprint maintained by such pawnbroker issued pursuant to this subsection on the ground that production of the requested thumbprint may tend to incriminate such pawnbroker. Any pawnbroker claiming such privilege against self incrimination must assert such claim before the court issuing the subpoena promptly and before the time designated for compliance therewith. If the district attorney general thereafter certifies to the court that the interests of justice demands the production of the thumbprint for which the claim of privilege is asserted, then the court shall order the production of such thumbprint and no such pawnbroker shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning the requested thumbprint the pawnbroker was compelled to produce.

(9) No subpoena for the production of a thumbprint as authorized by this subsection shall be directed to, or served upon, any defendant, or his counsel, in a criminal action in this state, any person who is suspected of committing a criminal offense or any person who is the subject of a criminal investigation.

(10) If any pawnbroker, without cause, refuses to produce the requested thumbprint within the time and manner designated for compliance by the issuing judge, the district attorney shall seek a writ of attachment from the issuing court to seize the pawnbroker within the state and that pawnbroker may be held in civil contempt and committed to jail therein to remain without bail until willing to comply with the subpoena as the law directs.

(h)(1) No law enforcement officer or agency shall use any thumb or other print obtained pursuant to subsection (g), for the purpose of racial profiling.

(2) (A) Any person residing within the jurisdiction of the law enforcement officer or agency alleged to have violated this subsection may petition the chancery or circuit court of such county for injunctive relief under this act. The court in which such a petition is filed shall conduct a show cause hearing to determine if thumb or other prints obtained pursuant to subsection (g) have been used by a law enforcement officer or agency for the purpose of racial profiling.

(B) If the court finds by a preponderance of evidence that a violation of this subsection has occurred, it shall grant an injunction prohibiting such officer or agency from obtaining thumb or other prints pursuant to subsection (g) for the period specified in subdivision (3) of this subsection.

(C) If the court finds by a preponderance of evidence that a violation of this subsection has not occurred, it shall deny the petition for an injunction.

(3) (A) A law enforcement officer or agency who violates the provisions of this subsection for the first time shall be enjoined from requesting subpoena's for the production of thumb or other prints pursuant to subsection (g) for a period of six (6) months.

(B) A law enforcement officer or agency who violates the provisions of this subsection for the second time shall be enjoined from requesting subpoena's for the production of thumb or other prints pursuant to subsection (g) for a period of one (1) year.

(C) A law enforcement officer or agency who violates the provisions of this subsection for a third or subsequent time shall be permanently enjoined from requesting subpoena's for the production of thumb or other prints pursuant to subsection (g).

(i)(1) All pawnshops that are required to take and maintain thumb or other prints pursuant to subsection (b)(7) shall be required to place a sign at least ten inches by fourteen inches (10" X 14") in a prominent location reasonably close in proximity to the place where the pawn transaction will occur. Such sign shall contain language in bold type substantially similar to the following:

**WARNING! IF YOU CONDUCT A
PAWN TRANSACTION AT THIS
ESTABLISHMENT YOU WILL BE
REQUIRED TO GIVE A THUMBPRINT
BEFORE SUCH TRANSACTION MAY BE
COMPLETED AND YOUR THUMBPRINT
MAY BE OBTAINED AND USED BY THE
POLICE.**

(2) Any pawnbroker who fails to comply with the provisions of this subsection shall be subject to a civil penalty of one hundred dollars (\$100) and such noncompliance shall be grounds for the suspension of such pawnbroker's license.

(j) Notwithstanding the provisions of § 45-6-218 to the contrary, if a violation of this part is committed on or after July 1, 2001 by an owner or major stockholder and/or managing partner of the pawnshop, and such violation is knowingly committed by the owner, major stockholder or managing partner of the pawnshop, then the sole remedy to suspend or revoke the license of such pawnbroker is for the city or county attorney to file an action so requesting suspension or revocation in the appropriate chancery court.

SECTION 3. Tennessee Code Annotated, Section 45-6-209, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) (1) Except as provided in subdivision (2), the records required to be entered pursuant to subsection (b)(1)–(b)(6) of this section shall be delivered to the appropriate law enforcement agency, by mail or in person, within forty-eight (48) hours following the day of such transactions. Delivery by mail shall be deemed made when deposited in the United States mail, postage prepaid. Further, these records shall be made available for inspection during regular and customary business hours by the sheriff of the county and the chief of police of the municipality in which the pawnshop is located. The thumbprint required to be taken pursuant to subsection (b)(7) shall be maintained by the pawnbroker and may only be released pursuant to a subpoena issued in accordance with subsection (g).

(2) The governing body of the appropriate law enforcement agency may require that licensed pawnbrokers with more than fifty (50) transactions per week electronically transfer the records required to be delivered pursuant to this subsection within forty-eight (48) hours following the day of the such transactions. The appropriate law enforcement agency shall provide computer software at no cost to all pawnshops required to electronically transfer such records. Such software shall enable the pawnbroker's computer system to record and electronically transfer the information required by subsection (b)(1) through (6). All such pawnshops shall:

(A) Use such software to electronically transfer required information to the law enforcement agency; or

(B) Use software that is able to communicate such information to the law enforcement agency in a computer format acceptable to that agency and compatible with such agency's software.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2001, the public welfare requiring it.

Rep. Buck moved that House Bill No. 1548 be reset for the Regular Calendar on June 14, 2001, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1618 -- Sunset Laws - Human rights commission, June 30, 2007. Amends TCA Title 4, Chapter 21 and Title 4, Chapter 29. by *Kernell, *Cooper B. (*SB120 by *Harper)

Rep. Kernell moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1 to **House Bill No. 1618**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1618

Pursuant to **Rule No. 73**, Representative Kernell moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1618, which motion prevailed.

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The Speaker appointed Representatives L. DeBerry, Brooks and Westmoreland as the House members of the Conference Committee on House Bill No. 1618.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 1155 -- Bail, Bail Bonds - Requires bondsman to verify accuracy of address given by defendant for whom bail has been set; statement that address has been verified prerequisite to bounty hunter taking person into custody who has failed to appear in court; failure or negligence in verifying address results in bondsman and bounty hunter being jointly and severally liable for property damage, injury or death caused to third party by bounty hunter at given address. Amends TCA Title 40, Chapter 11, Part 3. by *Langster, *Head, *Jones U (Shelby). (*SB221 by *Dixon)

Rep. Langster moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 2 to **House Bill No. 1155**, which motion prevailed.

CONFERENCE COMMITTEE APPOINTED ON HOUSE BILL NO. 1155

Pursuant to **Rule No. 73**, Representative Langster moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 1155, which motion prevailed.

The Speaker appointed Representatives Langster, Head and Westmoreland as the House members of the Conference Committee on House Bill No. 1155.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 538** -- Water - Clarifies that wastewater regulations not adopted pursuant to Water Quality Control Act do not require approval by commissioner of environment and conservation or any entity other than local water or wastewater treatment authority. Amends TCA Section 5-6-120 and Title 68, Chapter 221, Part 6. by *Bone. (SB1513 by *Rochelle)

Senate Amendment No. 1

AMEND House Bill No. 538 by deleting Sections 1 and 2 of the printed bill and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 68-221-607(16), is amended by deleting it in its entirety and substituting instead the following:

Adopt by majority vote of the board, regulations including but not limited to requirements for the posting of performance bonds and maintenance bonds, governing the operation and maintenance of nontraditional sewage disposal systems. The phrase "nontraditional sewage disposal systems" does not include subsurface sewage disposal systems that are subject to the permitting requirements of part 4 of this chapter, nor to wastewater collection and disposal systems that are owned or operated by a governmental entity. The provisions of the Water Quality Control Act, Tennessee Code Annotated Section 69-3-101, et seq., and regulations adopted thereunder shall prevail over any such regulations of an authority in the event of a conflict.

AND FURTHER AMEND by redesignating Section 3 of the printed bill as Section 2.

Senate Amendment No. 2

AMEND House Bill No. 538 by deleting the punctuation "." at the end of the amendatory language of SECTION 1 of Senate Environment and Conservation Amendment No. 1 (drafting code number 5172) and by adding the following:

; provided that the authority may adopt regulations that are more stringent than the water quality control act and regulations promulgated thereunder if a copy of such regulations is filed with the department.

Rep. Bone moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 538**, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

***House Bill No. 572** -- Education - Requires prior approval of general assembly before special education folders may be modified. Amends TCA Title 49, Chapter 10. by *Bunch, *Pleasant. (SB934 by *McNally)

Senate Amendment No. 2

AMEND House Bill No. 572 By deleting all provisions of the bill following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-10-114, is amended by designating the present section to be subsection (a) and by adding a new subsection (b) as follows:

(b) When a child is referred for assessment or evaluation of a possible disability, such assessment or evaluation must be completed as specified by the state board of education rules and regulations. The time frame from informed written parental consent to the placement of a child eligible for special education will be examined during the 2001-2002 school year by the state board and department of education. The state board and department will make a recommendation to the senate and house education committees regarding the amount of time that is needed for assessments by no later than December 31, 2002.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and is repealed and shall have no effect after June 30, 2003.

Rep. Bunch moved that the House nonconcur in Senate Amendment(s) No(s). 2 to **House Bill No. 572**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 525** -- Attorneys at Law - Defines "guardian ad litem" as person licensed to practice law in Tennessee; permits appointment of lay guardian ad litem for certain roles in certain proceeding related to minor; expands definition of "CASA worker" to include other training, education and experience. Amends TCA Title 36 and Title 37. by *Chumney, *Bunch. (SB1419 by *Person)

Rep. Chumney moved that House Bill No. 525 be reset for the Message Calendar on June 14, 2001, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 40** -- Sunset Laws - Judicial selection commission, June 30, 2007; limits members to two terms. Amends TCA Title 4, Chapter 29 and Title 17, Chapter 4. by *Harper. (HB1614 by *Kernell, *Brooks, *Cooper B)

Rep. Kernell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 4 to **Senate Bill No. 40**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 58** -- Sunset Laws - Tennessee higher education commission, June 30, 2005. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 7. by *Harper. (HB974 by *Kernell, *Brooks, *Cooper B)

Rep. Kernell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 1, 2 and 3 to **Senate Bill No. 58**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 93** -- Sunset Laws - Health facilities commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Harper. (HB976 by *Kernell, *Brooks, *Cooper B)

Rep. Kernell moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2 to **Senate Bill No. 93**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Armstrong moved to lift from the table the motion to reconsider action in passing Senate Bill No. 891, which motion prevailed.

***Senate Bill No. 891** -- Health Care - Requires persons practicing reflexology for compensation to be registered with department of health; imposes sanctions for unauthorized practice of reflexology; prescribes manner to obtain registration and sets fees; requires division of health related boards to oversee registrants. Amends TCA Title 63. by *Atchley, *Herron. (HB890 by *Armstrong, *Tindell, *Boyer)

Rep. Armstrong moved to reconsider action in passing Senate Bill No. 891, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was withdrawn.

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Rep. Armstrong moved that **Senate Bill No. 891** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes95
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 1344** -- Highway Signs - "Richard Boyd Bridge," Hardin Creek on U.S. 64 in Wayne County. by *Wilder, *Haun. (HB1567 by *Tidwell, *White)

Rep. Tidwell moved that Senate Bill No. 1344 be reset for the Message Calendar on June 14, 2001, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

MOTION TO RECONSIDER

Rep. Hargrove moved to lift from the table the motion to reconsider action in passing Senate Bill No. 1487, which motion prevailed.

***Senate Bill No. 1487** -- Election Laws - Revises election law. Amends TCA Title 2, Chapter 19, Part 1; Section 2-2-107; Section 2-2-109; Section 2-2-116; Section 2-2-124; Section 2-3-107; Section 2-4-103; Section 2-4-109; Section 2-5-102; Section 2-5-204; Section 2-7-104; Section 2-7-133; Section 6-53-101; Section 8-8-102 and Section 49-2-504. by *Rochelle, *Cooper J. (HB1844 by *Hargrove)

Rep. Hargrove moved to reconsider action in passing Senate Bill No. 1487, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 2. On motion, Amendment(s) No(s). 2 was withdrawn.

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Rep. Hargrove moved that **Senate Bill No. 1487** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Hood moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 552 out of order, which motion prevailed.

House Joint Resolution No. 552 -- Memorials, Recognition - McKenzie C. Roberts. by *Hood, *Curtiss, *Rhinehart.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hood, with the request that all members voting aye be added as sponsors, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
June 11, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 667, 774, 1337, 1338, 1340, 1341, 1342, 1905, 1906; also, Senate Joint Resolution(s) No(s). 379, 380, 385, 389, 390, 391, 415 and 426 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

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**SIGNED
June 11, 2001**

The Speaker signed the following: Senate Bill(s) No(s). 667, 774, 1337, 1338, 1340, 1341, 1342, 1905, 1906; also, Senate Joint Resolution(s) No(s). 379, 380, 385, 389, 390, 391, 415 and 426.

**MESSAGE FROM THE GOVERNOR
June 11, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520 and 521, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE
June 11, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1678; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENGROSSED BILLS
June 11, 2001**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 547, 548 and 549.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
June 11, 2001**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 209; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE
June 11, 2001**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1603; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1375; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

June 11, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1184.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 162; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 1543.

The Senate lifted the tabling motion, reconsidered passage of the bill, adopted Amendment No. 3, then repassed the bill on third and final consideration, as amended.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 680.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

June 11, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 552.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 1731.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 1 and 2.

The Speaker appointed a Conference Committee composed of Senators Ford, Jackson, Dixon, Haun and Burchett to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 1731.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE

June 11, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1443, 1555, 1758 and 1801; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Bill No. 1443 -- Criminal Offenses - Imposes stronger penalty for and broadens definition of custodial interference. Amends TCA Section 39-13-306. by *Person. (*HB249 by *Scroggs, *Kent)

Senate Bill No. 1555 -- Adoption - Creates standby adoption under which terminally ill parent may consent to change in custody and termination of parental rights upon death of parent; authorize adoption of certain persons available for adoption. Amends TCA Title 36, Chapter 1. by *Ford J. (*HB607 by *DeBerry L)

Senate Bill No. 1758 -- TennCare - Requires any waiver submitted pursuant to recommendation of long-term care services planning council to allocate funds equitably between urban and rural areas. Amends TCA Title 4; Title 56; Title 68 and Title 71. by *Haun, *Burks. (*HB1515 by *Head)

Senate Bill No. 1801 -- Loan Companies and Short Term Lenders - Requires thumbprint of pledgor, if pledgor has thumb, to be made part of pawnshop transaction record in Shelby County; if thumb amputated, then such other fingerprint as required by pawnbroker shall be taken and described on record. Amends TCA Section 45-6-209. by *Dixon. (*HB1548 by *Buck, *Jones U (Shelby), *DeBerry J, *Miller L, *Pleasant, *Kent, *Cole (Carter))

CONSENT CALENDAR

June 11, 2001

The following local bills have been placed on the Consent Calendar for **June 14, 2001**: House Bill(s) No(s). 2019 and 2026.

ROLL CALL

The roll call was taken with the following results:

Present96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, June 14, 2001.